

**COUNTY OF SUFFOLK**

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.



★ OCT 28 2016 ★

LONG ISLAND OFFICE

**SUFFOLK COUNTY CLERK'S OFFICE**

**JUDITH A. PASCALE**

SUFFOLK COUNTY CLERK

[WWW.SUFFOLKCOUNTYNY.GOV](http://WWW.SUFFOLKCOUNTYNY.GOV)

Court Actions

631-852-2000 ext. 852

Date: 10/24/16

JS | SIL

16CV5863

To whom it may concern:

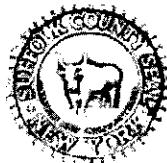
Please find a Certified Copy of our Clerk's Minutes for the E-filed Supreme Court case, Index #16CV5863, along with a copy of the Notice of Removal.

Since the above mentioned case is E-filed, there are no hard copies of the documents.

If you have any questions, please call the number at the top of this page.

Thank you,

Court Actions



**COUNTY CLERK'S OFFICE  
STATE OF NEW YORK  
COUNTY OF SUFFOLK**

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court of Record thereof do hereby certify that I have compared the annexed with the original  
**CLERKS MINUTES**

filed in my office on **10/20/2016**  
and, that the same is a true copy thereof, and of the whole of such original.

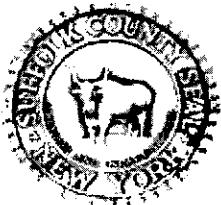
In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Court this **10/24/2016**.

SUFFOLK COUNTY CLERK

*Judith A. Pascale*

JUDITH A. PASCALE

**SEAL**



# Civil Court Minutes Report

**Index #:** 16 608345  
**Print Date:** 10/24/2016

**Court:** S

**Case Type:** E

**Application Date:**

## Plaintiff(s)

FORMAN, ANDREA

## Defendant(s):

PYOD, LLC  
RESURGENT CAPITAL SERVICES L.P.  
SHERMAN FINANCIAL GROUP, LLC

## Minutes :

<u>Seq #</u>	<u>Process Date</u>	<u>Type</u>	<u>Minutes</u>
1	6/2/2016 12:00	SUMMONS W/NOTICE	
2	9/20/2016 12:00	AFFIRMATION/AFFIDAVIT OF SERVICE	
3	9/20/2016 12:00	AFFIRMATION/AFFIDAVIT OF SERVICE	
4	9/20/2016 12:00	AFFIRMATION/AFFIDAVIT OF SERVICE	
5	10/10/2016 12:00	NOTICE OF APPEARANCE (PRE RJI)	
6	10/20/2016 12:00	NOTICE OF REMOVAL / REMAND (PRE RJI)	TO EASTERN DIST COURT

Total Minute Records :6

## Notations :

<u>Minute</u>	<u>Seq</u>	<u>Liber</u>	<u>Page</u>	<u>LP No</u>	<u>Notation</u>
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Total Notation Records :0

## Tax Map Info :

<u>Minute</u>	<u>Seq</u>	<u>Tax Map Number</u>
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Total Tax Map Records :0

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK**

ANDREA FORMAN, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

PYOD, LLC, RESURGENT CAPITAL  
SERVICES L.P., AND SHERMAN  
FINANCIAL GROUP, LLC,

Defendants.

**Notice of Removal to United States District  
Court, Eastern District of New York**

Index No.: 608345/2016

TO: Supreme Court of State of New York  
Suffolk County  
210 Center Drive  
Riverhead, NY 11901

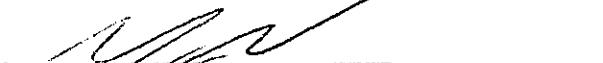
**SIR/MADAM:**

**PLEASE TAKE NOTICE** that on October 20, 2016, Defendants PYOD, LLC,  
Resurgent Capital Services, L.P., and Sherman Financial Group, LLC ("Defendants")  
electronically filed a Notice of Removal in the United States District Court for the Eastern  
District of New York to remove the above-captioned action from the Supreme Court of the State  
of New York, Suffolk County, to the United States District Court for the Eastern District of New  
York; and

**PLEASE TAKE FURTHER NOTICE** that this Notice of that filing is given pursuant  
to the provisions of 28 U.S.C. § 1446(d), as amended. Accompanying this Notice as Exhibit A

is a copy of the Notice of Removal so filed.

GORDON & REES LLP  
*Attorneys for Defendants PYOD, LLC, Resurgent  
Capital Services, L.P., and  
Sherman Financial Group, LLC*

By:   
YEVGENY ROYMISHER

18 Columbia Turnpike, Suite 220  
Florham Park, New Jersey 07932  
Tel: (973) 549-2500  
Fax: (973) 377-1911

Dated: Florham Park, New Jersey  
October 20, 2016

**TO:** Mitchell L. Pashkin, Esq.  
775 Park Avenue, Ste. 255  
Huntington, NY 11743  
*Attorneys for Plaintiff Andrea Forman*

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

ANDREA FORMAN, on behalf of herself and  
all others similarly situated,

Civil Action No.:

Plaintiff,

v.

PYOD, LLC, RESURGENT CAPITAL  
SERVICES L.P., AND SHERMAN  
FINANCIAL GROUP, LLC,

Defendants.

**NOTICE OF REMOVAL**

Defendants PYOD, LLC, Resurgent Capital Services, L.P., and Sherman Financial Group, LLC ("Defendants"), by and through their attorneys, Gordon & Rees LLP, respectfully says:

1. Plaintiff Andrea Forman ("Plaintiff") commenced the above-captioned action on or about June 1, 2016, by filing a Summons with Notice in the Supreme Court of the State of New York, Suffolk County, captioned *Andrea Forman, on behalf of herself and all others similarly situated v. PYOD, LLC, Resurgent Capital Services, L.P., and Sherman Financial Group, LLC*, (the "Summons with Notice"). Said action is now pending in that Court.

2. The Summons with Notice was served upon Defendant by mail service upon the Defendants' registered agent on or about September 22, 2016.

3. A copy of the Summons with Notice is annexed hereto as Exhibit A.

4. The above-captioned action is a civil case over which this Court has jurisdiction pursuant to 28 U.S.C. § 1331, in that:

a. The above-captioned action is a civil action arising under federal laws;

- b. Plaintiff alleges that Defendant violated multiple provisions of the Fair Debt Collection Practices Act, 28 U.S.C. §1692 *et seq.*;
- c. Therefore, this Court has federal question jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331, which may properly be removed to this Court pursuant to 28 U.S.C. § 1441.

5. This Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b) and the Federal Rules of Civil Procedure.

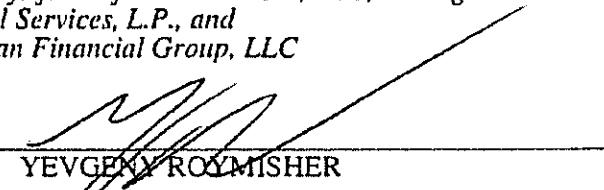
6. Upon the filing of this Notice of Removal, Defendants shall give written notice thereof to Mitchel S. Pashkin, Esq., counsel for Plaintiff, and Defendants shall file copies of said Notice and Notice of Filing of Removal with the Court Clerk, Supreme Court of the State of New York, Suffolk County.

7. By filing this notice, Defendants do not waive any defenses which may be made available to them, specifically including, but not limited to, improper service and the absence of venue in this Court or in the Court from which this action has been removed.

WHEREFORE, Defendants respectfully request<sup>2</sup> that the Court remove the above-captioned action now pending against it in the Supreme Court of the State of New York, Suffolk County, to the United States District Court for the Eastern District of New York, wherein it shall proceed as an action originally commenced therein.

GORDON & REES LLP  
Attorneys for Defendants PYOD, LLC, Resurgent  
Capital Services, L.P., and  
Sherman Financial Group, LLC

By:

  
YEVGENY ROYMISHER

18 Columbia Turnpike, Suite 220  
Florham Park, New Jersey 07932  
Tel: (973) 549-2500  
Fax: (973) 377-1911

Dated: Florham Park, New Jersey  
October 19, 2016

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

ANDREA FORMAN,  
ON BEHALF OF HERSELF AND  
ALL OTHERS SIMILARLY SITUATED,

Plaintiff,

-against-

PYOD, LLC, RESURGENT CAPITAL SERVICES L.P.,  
AND SHERMAN FINANCIAL GROUP, LLC,

Defendants.

INDEX NO.

FILING DATE: 06/01/16

**SUMMONS WITH NOTICE**

Plaintiff designates  
Suffolk County  
as the place of trial

The basis of the venue is  
Plaintiff's designation and residence

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To the above named Defendants:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with the summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the sum of \$505,000.00 with interest thereon from the 5th day of June 2015, together with the costs of this action and reasonable attorney's fees.

TAKE NOTICE that the object of this action and the relief sought is to recover damages for violations of the Fair Debt Collection practices Act, 15 USC 1692, et. seq. and NY GBL 349 and that in case of your failure to answer, judgment will be taken against you for the sum of \$505,000.00 with interest thereon from the 5th day of June 2015, together with the costs of this action and reasonable attorney's fees.

Dated: June 1, 2016  
Huntington, NY

/s/

Mitchell L. Pashkin  
Attorney For Plaintiff  
775 Park Avenue, Ste. 255  
Huntington, NY 11743

Index No.

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ANDREA FORMAN,  
ON BEHALF OF HERSELF AND  
ALL OTHERS SIMILARLY SITUATED,

Plaintiff(s),

-vs-

PYOD, LLC, RESURGENT CAPITAL SERVICES L.P.,  
AND SHERMAN FINANCIAL GROUP, LLC,

Defendants.

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**SUMMONS WITH NOTICE**

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Mitchell L. Pashkin certifies that, to the best of his knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the annexed paper(s) or the contentions therein are not frivolous as defined in 22 NYCRR 130-1.1.(c).

/s/

---

Mitchell L. Pashkin  
Attorney For Plaintiff  
775 Park Avenue, Ste. 255  
Huntington, NY 11743  
Tel.: 631.335.1107  
Fax.: 631.824-9328  
[mpash@verizon.net](mailto:mpash@verizon.net)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

ANDREA FORMAN

(b) County of Residence of First Listed Plaintiff Suffolk  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mitchell L. Pashkin  
775 Park Avenue, Ste 255, Huntington, NY 11743, 631-335-1107**DEFENDANTS**

PYOD, LLC, RESURGENT CAPITAL SERVICES L.P., AND SHERMA

County of Residence of First Listed Defendant Greenville, SC  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.Attorneys (if Known)  
Gordon & Rees LLP, 18 Columbia Turnpike, Suite 220, Flushing Park,  
NJ, 973-549-2500**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 590 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(e))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 661 HIA (1395f)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contracts	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 662 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 663 DIFC/DIRWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property	<input type="checkbox"/> 664 SSID Title XVI	<input type="checkbox"/> 850 Other Statutory Actions
		<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 665 RSI (405(g))	<input type="checkbox"/> 851 Agricultural Acts
				<input type="checkbox"/> 853 Environmental Matters
				<input type="checkbox"/> 855 Freedom of Information Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 856 Arbitration
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 859 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 230 Real Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/ Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1446(b)Brief description of cause:  
Violations of the Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMANDS**  CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See Instructions): JUDGE DOCKET NUMBER

DATE

10-19-16

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, \_\_\_\_\_, counsel for \_\_\_\_\_, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? \_\_\_\_\_
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? \_\_\_\_\_

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes       No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain)       No

I certify the accuracy of all information provided above.

Signature: \_\_\_\_\_